

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

KITAKA LAUDERDALE)

ADC # 143067)

Petitioner,)

v.)

RAY HOBBS, Director, Arkansas)

Department of Correction)

Respondent.)

Case No. 5:13-CV-00040 KGB-JTK

ORDER FOR SUPPLEMENTATION

Petitioner's October 28, 2013 reply included several exhibits that seem to demonstrate repeated attempts to appeal the Rule 37 decision. (Doc. No. 18). However, Respondent has not acknowledged those exhibits or responded to Petitioner's arguments regarding the statute of limitations. The Court hereby orders Respondent to file supplemental briefing on the matter.

If possible, this briefing should explain what happened and whether the lack of an appeal was due to state error. It should also discuss what the implications of state error would be on the statute of limitations and procedural default. Respondent's briefing should also discuss whether Petitioner was required to present his claims to the Arkansas Supreme Court under *O'Sullivan v. Boerckel*, 526 U.S. 838 (1999), and *Parmley v. Norris*, 586 F.3d 1066 (8th Cir. 2009) in order to fully exhaust his claims on direct review. Finally, Respondent should address the merits of Petitioner's claims. Respondent's briefing shall be submitted by September 1, 2014. Petitioner shall respond if he desires by September 15, 2014.

SO ORDERED this 11th day of August, 2014.



United States Magistrate Judge